

EXHIBIT 1

EXHIBIT 1

STATEMENT OF UNCONTESTED FACTS

A. The Parties

1. Cubist Pharmaceuticals Inc. (“Cubist”) is a Delaware corporation having a principal place of business at 65 Hayden Avenue, Lexington, Massachusetts.

2. Hospira, Inc. (“Hospira”) is a Delaware corporation having a principal place of business at 275 North Field Drive, Lake Forest, Illinois.

B. The Patents-In-Suit

1. U.S. Patent No. 6,468,967 (“the ’967 patent”), entitled “Methods For Administration of Antibiotics,” and listing Frederick B. Oleson, Jr. and Francis P. Tally as inventors, issued on October 22, 2002. The ’967 purports to claim priority to Provisional Application No. 60/101,828, filed on September 25, 1998, and to Provisional Application No. 60/125,750, filed on March 24, 1999. The ’967 patent is assigned to Cubist.

2. U.S. Patent No. 6,852,689 (“the ’689 patent”), entitled “Methods For Administration of Antibiotics,” and listing Frederick B. Oleson, Jr. and Francis P. Tally as inventors, issued on February 8, 2005. The ’689 patent is a continuation of U.S. Application No. 09/406,568, now the ’967 patent, and purports to claim priority to Provisional Application No. 60/101,828, filed on September 25, 1998, and to Provisional Application No. 60/125,750, filed on March 24, 1999. The ’689 patent is subject to a terminal disclaimer. The ’689 patent is assigned to Cubist.

3. U.S. Patent No. 8,058,238 (“the ’238 patent”), entitled “High Purity Lipopeptides,” and listing Thomas Kelleher, Jan-Ji Lai, Joseph P. DeCoursey, Paul Lynch, Maurizio Zenoni, and Auro Tagliani as inventors, issued on November 15, 2011. The ’238 patent claims priority to U.S. Application No. 10/747,485, filed on December 29, 2003, which is a division of U.S.

Application No. 09/735,191, filed on November 28, 2000, now U.S. Patent No. 6,696,412, and Provisional Application No. 60/177,170, filed on January 20, 2000. The '238 patent is assigned to Cubist.

4. U.S. Patent No. 8,129,342 ("the '342 patent"), entitled "High Purity Lipopeptides," and listing Thomas Kelleher, Jan-Ji Lai, Joseph P. DeCoursey, Paul Lynch, Maurizio Zenoni, and Auro Tagliani as inventors, issued on March 6, 2012. The '342 patent claims priority to U.S. Application No. 11/739,180, filed on April 24, 2007, now U.S. Patent No. 8,058,238, which is a continuation of U.S. Application No. 10/747,485, filed on December 29, 2003, which is a division of U.S. Application No. 09/735,191, filed on November 28, 2000, now U.S. Patent No. 6,696,412, and Provisional Application No. 60/177,170, filed on January 20, 2000. The '342 patent is assigned to Cubist. The '342 patent is subject to a terminal disclaimer to the '238 patent.

5. U.S. Patent No. RE39,071 ("the RE'071 patent"), entitled "Anhydro- and Isomer-A-21978C Cyclic Peptides," and listing Patrick J. Baker, Manuel Debono, Khadiga Z. Farid and R. Michael Molloy as inventors, issued on April 18, 2006. The RE'071 patent is a reissue of U.S. Patent No. 5,912,226 ("the '226 patent"). RE'071 is a continuation of U.S. Application No. 07/670,375, filed on March 14, 1991, which is a continuation of U.S. Application No. 07/060,148, filed June 10, 1987. The RE'071 patent is assigned to Cubist. A Request for Certificate of Correction for the RE'071 patent was filed on October 18, 2007 and a Certificate of Correction issued for the RE'071 patent on January 29, 2008.

C. Cubicin[®] (Daptomycin for Injection)

1. Cubicin[®] (daptomycin for injection) is an intravenous bactericidal antibiotic approved by the Food and Drug Administration ("FDA") for the treatment of infections caused by certain

Gram-positive bacteria, such as *Staphylococcus aureus*, including methicillin-resistant strains, also known as MRSA.

2. Cubicin[®] was approved for the treatment of complicated skin and skin structure infections in 2003. It was approved for the treatment of bloodstream infections (bacteremia), including right-sided infective endocarditis caused by MRSA, as well as by methicillin-susceptible *Staphylococcus aureus*, in 2006.

3. The '967 patent, the '689 patent, the RE'071 patent, the '238 patent, and the '342 patent have been listed in connection with Cubicin[®] in the FDA's publication, *Approved Drug Products with Therapeutic Equivalence Evaluations*, which is commonly referred to as the "Orange Book."

D. Hospira's ANDA and NDA

1. Hospira filed Abbreviated New Drug Application ("ANDA") No. 202857 with the FDA seeking approval for the commercial manufacture, use, and sale of daptomycin for injection, 500mg/vial ("Hospira's Daptomycin ANDA Product") prior to the expiration of the '967, '689, RE'071, '238, and '342 patents.

2. Hospira's ANDA includes a certification pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) asserting that, inter alia, the '967, '689, RE'071, '238, and '342 patents are invalid, are unenforceable, and/or will not be infringed by the commercial manufacture, use, or sale of Hospira's Daptomycin ANDA Product.

3. By letter dated February 7, 2012 (the "Notice Letter"), Hospira notified Cubist that it had submitted ANDA No. 202587 to obtain approval to engage in the commercial manufacture, use, and sale of Hospira's Daptomycin ANDA Product prior to the expiration of, inter alia, the '967, '689, RE'071, and '238 patents.

4. This action was commenced on March 21, 2012, before the expiration of forty-five days from the date of the receipt of the Notice Letter.

5. By letter dated May 31, 2012 (the “Second Notice Letter”), Hospira notified Cubist that it had submitted an amendment to the FDA for its previously submitted ANDA No. 202587 to obtain approval to engage in the commercial manufacture, use, and sale of Hospira’s Daptomycin ANDA Product prior to the expiration of the ’342 patent.

6. Civil Action No. 12-859-GMS was commenced on July 9, 2012, before the expiration of forty-five days from the date of the receipt of the Second Notice Letter. Civil Action No. 12-859-GMS was consolidated with this action on August 31, 2012.

7. Hospira filed New Drug Application (“NDA”) No. 203797 with the FDA under Section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act, seeking approval for the commercial manufacture, use, and sale of Daptomycin for Injection, 350mg/vial (“Hospira’s 505(b)(2) Product”), prior to the expiration of the ’967, ’689, RE’071, ’238, and ’342 patents.

8. By letter dated August 10, 2012 (the “505(b)(2) Notice Letter”), Hospira notified Cubist that it had submitted NDA No. 203797 to obtain approval to engage in the commercial manufacture, use, offer for sale, and/or sale of Hospira’s 505(b)(2) Product prior to the expiration of, inter alia, the ’967, ’689, RE’071, ’238, and ’342 patents.

9. In the 505(b)(2) Notice Letter, Hospira alleged that the ’967, ’689, RE’071, ’238, and ’342 patents, inter alia, are invalid, are unenforceable, and/or will not be infringed by the commercial manufacture, use, offer for sale, or sale of Hospira’s 505(b)(2) Product.

10. Civil Action No. 12-1142-GMS was commenced on September 17, 2012, before the expiration of forty-five days from the date of the receipt of the 505(b)(2) Notice Letter.

11. Civil Action No. 12-1142-GMS was consolidated with this action on October 19, 2012.

E. Infringement

1. As set forth in Section II.H (Waivers of Claims and Defenses) of the Proposed Final Pretrial Order, Hospira has stipulated to the infringement of the asserted claims of the asserted patents.

F. Validity of the Certificate of Correction

1. The Certificate of Correction does not correct a clerical or typographical error.

EXHIBIT 2

EXHIBIT 2

CUBIST’S STATEMENT OF CONTESTED ISSUES OF FACT AND LAW

Plaintiff Cubist Pharmaceuticals, Inc. (“Cubist”) hereby submits its statement of contested factual and legal issues. To the extent that any issue of fact is deemed to be an issue of law it should be so considered, and to the extent that any issue of law is deemed to be an issue of fact, it should be so considered.

I. U.S. PATENT NOS. 6,468,967 AND 6,852,689¹

A. Invalidity

1. Alleged Anticipation of U.S. Patent No. 6,468,967

a) Contested Issues of Fact

1. Whether U.S. Patent No. 5,912,226 (“the ’226 patent”) discloses, either explicitly or inherently, each and every limitation of the asserted claims of U.S. Patent No. 6,468,967 (“the ’967 patent”)?

2. Whether the ’226 patent would enable one of ordinary skill in the art to practice the methods of administering daptomycin set forth in the asserted claims of the ’967 patent?

3. Whether Woodworth et al., *Single-Dose Pharmacokinetics and Antibacterial Activity of Daptomycin, a New Lipopeptide Antibiotic, in Healthy Volunteers*, *Antimicrobial Agents & Chemotherapy*, Vol. 36, No. 2, 318-325 (1992) (“Woodworth”) discloses, either explicitly or inherently, each and every limitation of the asserted claims of the ’967 patent?

4. Whether Woodworth would enable one of ordinary skill in the art to practice the methods of administering daptomycin set forth in the asserted claims of the ’967 patent?

¹ The asserted claims of the ’967 patent are claims 16, 17, 34, and 35. The asserted claims of the ’689 patent are claims 51 and 52.

b) Contested Issues of Law

5. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '967 patent are anticipated by the '226 patent?

6. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '967 patent are anticipated by Woodworth?

2. Alleged Obviousness of U.S. Patent Nos. 6,468,967 and 6,852,689

a) Contested Issues of Fact

i) Contested Issues of Fact Regarding the '967 Patent

7. What is the scope and content of the prior art to the '967 patent?

8. What are the differences between the asserted claims of the '967 patent and the prior art?

9. Whether a person of ordinary skill in the art would have been motivated to modify or combine the teachings of the prior art to achieve the inventions claimed in the asserted claims of the '967 patent?

10. Whether a person of ordinary skill in the art would have had a reasonable expectation of success in modifying or combining the prior art to achieve the inventions claimed in the asserted claims of the '967 patent?

11. Whether the inventions of the asserted claims of the '967 patent have fulfilled a long felt but unresolved need?

12. Whether others in the field tried but failed to develop the inventions claimed in the '967 patent?

13. Whether the inventions of the asserted claims of the '967 patent exhibit unexpected results?

14. Whether the inventions of the asserted claims of the '967 patent were met with initial skepticism followed by widespread acceptance?

15. Whether the commercial embodiment of the asserted claims of the '967 patent, Cubicin[®], has been a commercial success?

16. Whether there is a nexus between the inventions of the asserted claims of the '967 patent and the evidence of secondary considerations of non-obviousness?

17. Whether the asserted claims of the '967 patent may claim priority to the provisional applications filed on September 25, 1998, and March 24, 1999?

ii) Contested Issues of Fact Regarding the '689 Patent

18. What is the scope and content of the prior art to U.S. Patent No. 6,852,689 ("the '689 patent")?

19. What are the differences between the asserted claims of the '689 patent and the prior art?

20. Whether a person of ordinary skill in the art would have been motivated to modify or combine the teachings of the prior art to achieve the inventions claimed in the asserted claims of the '689 patent?

21. Whether a person of ordinary skill in the art would have had a reasonable expectation of success in modifying or combining the prior art to achieve the inventions claimed in the asserted claims of the '689 patent?

22. Whether the inventions of the asserted claims of the '689 patent fulfilled a long felt but unresolved need?

23. Whether others in the field tried but failed to develop the inventions claimed in the '689 patent?

24. Whether the inventions of the asserted claims of the '689 patent exhibit unexpected results?

25. Whether the inventions of the asserted claims of the '689 patent were met with initial skepticism followed by widespread acceptance?

26. Whether the commercial embodiment of the asserted claims of the '689 patent, Cubicin[®], has been a commercial success?

27. Whether there is a nexus between the inventions of the asserted claims of the '689 patent and the evidence of secondary considerations of non-obviousness?

28. Whether the asserted claims of the '689 patent may claim priority to the provisional applications filed on September 25, 1998, and March 24, 1999?

b) Contested Issues of Law

29. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '967 patent would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the prior art?

30. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '689 patent would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the prior art?

B. Alleged Invalidity For Lack of Written Description

1. Contested Issues of Fact

31. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '967 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a)?

32. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '689 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a)?

II. U.S. PATENT NO. RE39,071²

A. Certificate of Correction

1. Contested Issues of Fact

33. Whether the error in stereochemistry of one of the amino acids in the chemical formula for daptomycin in U.S. Patent No. RE39,071 ("the RE'071 patent") that was corrected by the Certificate of Correction was of minor character?

2. Contested Issues of Law

34. Whether Hospira has proven by clear and convincing evidence that the Certificate of Correction to the RE'071 patent is invalid for failure to meet the requirements of 35 U.S.C. § 255?

B. Alleged Invalidity For Lack of Written Description

1. Contested Issues of Fact

35. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the RE'071 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a)?

² The asserted claims of the RE'071 patent are claims 18 and 26.

III. U.S. PATENT NOS. 8,058,238 AND 8,129,342³

A. Invalidity

1. Alleged Anticipation of the '238 Patent

a) Contested Issues of Fact

36. Whether U.S. Patent No. 4,874,843 (“the ’843 patent”) discloses, either explicitly or inherently, each and every limitation of claim 98 of U.S. Patent No. 8,058,238 (“the ’238 patent”)?

37. Whether the ’843 patent would enable one of ordinary skill in the art to practice claim 98 of the ’238 patent?

b) Contested Issues of Law

38. Whether Hospira has proven by clear and convincing evidence that claim 98 of the ’238 patent is anticipated by the ’843 patent?

2. Alleged Obviousness of the '238 and '342 Patents

a) Contested Issues of Fact

i) Contested Issues of Fact Regarding the '238 Patent

39. What is the scope and content of the prior art to the ’238 patent?

40. What are the differences between the asserted claims of the ’238 patent and the prior art?

41. Would a person of ordinary skill in the art have been motivated to modify or combine the teachings of the prior art to achieve the inventions claimed in the asserted claims of the ’238 patent?

³ The asserted claims of the ’238 patent are claims 91, 98, and 187. The asserted claims of the ’342 patent are claims 23 and 53.

42. Whether a person of ordinary skill in the art would have had a reasonable expectation of success in modifying or combining the prior art to achieve the inventions claimed in the asserted claims of the '238 patent?

43. Whether the inventions of the asserted claims of the '238 patent fulfilled a long felt but unresolved need?

44. Whether others in the field have tried but failed to develop the inventions claimed in the '238 patent?

45. Whether the inventions of the asserted claims of the '238 patent exhibit unexpected results?

46. Whether the commercial embodiment of the asserted claims of the '238 patent, Cubicin[®], has been a commercial success?

47. Whether there is a nexus between the inventions of the asserted claims of the '238 patent and the evidence of secondary considerations of non-obviousness?

ii) Contested Issues of Fact Regarding the '342 Patent

48. What is the scope and content of the prior art to U.S. Patent No. 8,129,342 ("the '342 patent")?

49. What are the differences between the asserted claims of the '342 patent and the prior art?

50. Would a person of ordinary skill in the art have been motivated to modify or combine the teachings of the prior art to achieve the inventions claimed in the asserted claims of the '342 patent?

51. Whether a person of ordinary skill in the art would have had a reasonable expectation of success in modifying or combining the prior art to achieve the inventions claimed in the asserted claims of the '342 patent?

52. Whether the inventions of the asserted claims of the '342 patent fulfilled a long felt but unresolved need?

53. Whether others in the field have tried but failed to develop the inventions claimed in the '342 patent?

54. Whether the inventions of the asserted claims of the '342 patent exhibit unexpected results?

55. Whether the commercial embodiment of the asserted claims of the '342 patent, Cubicin[®], has been a commercial success?

56. Whether there is a nexus between the inventions of the asserted claims of the '342 patent and the evidence of secondary considerations of non-obviousness?

b) Contested Issues of Law

57. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '238 patent would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the prior art?

58. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '342 patent would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the prior art?

B. Alleged Invalidity For Lack of Written Description

1. Contested Issues of Fact

59. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '238 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a)?

60. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '342 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a)?

IV. RELIEF

A. Contested Issues of Law

1. Whether Cubist is entitled, under 35 U.S.C. § 271(e)(4)(A), to an order that the effective date of any approval of the proposed product under Hospira's Abbreviated New Drug Application No. 202587 and Hospira's New Drug Application No. 203797 be a date that is not earlier than the latest expiration date for the '967, '689, RE'071, '238, and '342 patents, or any later date of exclusivity to which Cubist is or becomes entitled?

2. Whether Cubist is entitled, under 35 U.S.C. § 271(e)(4)(B), to a permanent injunction, restraining and enjoining Hospira from engaging in the commercial manufacture, use, offer for sale, or sale of its proposed products within the United States, or importation into the United States, prior to the expiration of the '967, '689, RE'071, '238, and '342 patents?

EXHIBIT 3

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HOSPIRA'S STATEMENT OF CONTESTED ISSUES OF FACT AND LAW

Defendant Hospira, Inc. hereby submits its statement of contested factual and legal issues. To the extent that any issue of fact is deemed to be an issue of law it should be so considered, and to the extent that any issue of law is deemed to be an issue of fact, it should be so considered.

I. U.S. PATENT NO. RE39,071¹

A. Certificate of Correction

1. Contested Issues of Fact

1. Whether the error in stereochemistry of one of the amino acids in the chemical formula for daptomycin ("formula 3") in U.S. Patent No. RE39,071 ("the RE'071 patent") that was corrected by the Certificate of Correction was of minor character.

2. Contested Issues of Law

2. Whether Hospira has proven by clear and convincing evidence that the Certificate of Correction to the RE'071 patent is invalid for failure to meet the requirements of 35 U.S.C. § 255.

B. Improper Recapture

1. Contested Issues of Fact

3. Whether and in what respect claims added to the RE'071 patent during reissue are broader than the original claims.

4. Whether any broader claims added to the RE'071 patent during reissue relate to subject matter surrendered during the original patent prosecution.

¹ The asserted claims of the RE'071 patent are claims 18 and 26.

5. Whether any surrendered subject matter was recaptured in claims added to the RE'071 patent during reissue.

2. Contested Issues of Law

6. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the RE'071 patent are invalid because by recapturing surrendered subject matter they were improperly reissued under 35 U.S.C. § 251.

C. Alleged Invalidity For Lack of Written Description

1. Contested Issues of Fact

7. What is the level of ordinary skill in the art at the time the RE'071 patent was filed?

8. Whether the specification of the RE'071 patent allows a person of ordinary skill in the art at the time the RE'071 patent was filed to recognize that the inventors of the RE'071 patent invented what is claimed, as those claims are construed by the Court.

2. Contested Issues of Law

Whether Hospira has proven by clear and convincing evidence that the asserted claims of the RE'071 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a).

II. U.S. PATENT NOS. 6,468,967 AND 6,852,689²

A. Invalidity

1. Alleged Anticipation of U.S. Patent No. 6,468,967

a) Contested Issues of Fact

9. Whether U.S. Patent No. 5,912,226 (“the ’226 patent”) discloses, either explicitly or inherently, each and every limitation of the asserted claims of U.S. Patent No. 6,468,967 (“the ’967 patent”).

10. Whether the ’226 patent fails to enable one of ordinary skill in the art to practice the methods of administering daptomycin set forth in the asserted claims of the ’967 patent.

11. Whether Woodworth et al., *Single-Dose Pharmacokinetics and Antibacterial Activity of Daptomycin, a New Lipopeptide Antibiotic, in Healthy Volunteers*, Antimicrobial Agents & Chemotherapy, Vol. 36, No. 2, 318-325 (1992) (“Woodworth”) discloses, either explicitly or inherently, each and every limitation of the asserted claims of the ’967 patent.

12. Whether Woodworth enables one of ordinary skill in the art to practice the methods of administering daptomycin set forth in the asserted claims of the ’967 patent.

b) Contested Issues of Law

13. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the ’967 patent are anticipated by the ’226 patent.

14. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the ’967 patent are anticipated by Woodworth.

² The asserted claims of the ’967 patent are claims 16, 17, 34, and 35. The asserted claims of the ’689 patent are claims 51 and 52.

2. Alleged Obviousness of U.S. Patent Nos. 6,468,967 and 6,852,689

a) Contested Issues of Fact

i) Contested Issues of Fact Regarding the '967 Patent

15. What is the level of ordinary skill in the art at the time of the alleged invention claimed in the asserted claims of the '967 patent?

16. What is the scope and content of the prior art to the '967 patent?

17. What are the differences between the asserted claims of the '967 patent and the prior art?

18. Whether a person of ordinary skill in the art would have been motivated to modify or combine the teachings of the prior art to achieve the alleged invention claimed in the asserted claims of the '967 patent.

19. Whether a person of ordinary skill in the art would have had a reasonable expectation of success in modifying or combining the prior art to achieve the alleged invention claimed in the asserted claims of the '967 patent.

20. Whether the alleged invention of the asserted claims of the '967 patent have fulfilled a long felt but unresolved need.

21. Whether others in the field tried but failed to develop the alleged invention claimed in the '967 patent.

22. Whether the alleged invention of the asserted claims of the '967 patent exhibit unexpected results.

23. Whether the alleged invention of the asserted claims of the '967 patent were met with initial skepticism followed by widespread praise.

24. Whether Cubicin[®] is the commercial embodiment of the asserted claims of the '967 patent.

25. Whether, if Cubicin[®] is the commercial embodiment of the asserted claims of the '967 patent, it has been a commercial success.

26. Whether there is a nexus between the alleged invention of the asserted claims of the '967 patent and the evidence of secondary considerations of non-obviousness.

27. Whether the asserted claims of the '967 patent may claim priority to the provisional applications filed on September 25, 1998, and March 24, 1999.

28. Whether secondary considerations (if any) are sufficient to overcome a prima facie case of obviousness.

ii) Contested Issues of Fact Regarding the '689 Patent

29. What is the level of ordinary skill in the art at the time of the alleged invention claimed in the asserted claims of the '689 patent?

30. What is the scope and content of the prior art to U.S. Patent No. 6,852,689 ("the '689 patent")?

31. What are the differences between the asserted claims of the '689 patent and the prior art?

32. Whether a person of ordinary skill in the art would have been motivated to modify or combine the teachings of the prior art to achieve the alleged invention claimed in the asserted claims of the '689 patent.

33. Whether a person of ordinary skill in the art would have had a reasonable expectation of success in modifying or combining the prior art to achieve the alleged invention claimed in the asserted claims of the '689 patent.

34. Whether the alleged invention of the asserted claims of the '689 patent fulfilled a long felt but unresolved need.

35. Whether others in the field tried but failed to develop the alleged invention claimed in the '689 patent.

36. Whether the alleged invention of the asserted claims of the '689 patent exhibit unexpected results.

37. Whether the alleged invention of the asserted claims of the '689 patent were met with initial skepticism followed by widespread praise.

38. Whether Cubicin[®] is the commercial embodiment of the asserted claims of the '689 patent.

39. Whether, if Cubicin[®] is the commercial embodiment of the asserted claims of the '689 patent, it has been a commercial success.

40. Whether there is a nexus between the alleged invention of the asserted claims of the '689 patent and the evidence of secondary considerations of non-obviousness.

41. Whether secondary considerations (if any) are sufficient to overcome a prima facie case of obviousness.

42. Whether the asserted claims of the '689 patent may claim priority to the provisional applications filed on September 25, 1998, and March 24, 1999.

b) Contested Issues of Law

43. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '967 patent would have been obvious to one of ordinary skill in the art at the time the alleged invention was made in view of the prior art.

44. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '689 patent would have been obvious to one of ordinary skill in the art at the time the alleged invention was made in view of the prior art.

B. Alleged Invalidity For Lack of Written Description

1. Contested Issues of Fact

45. What is the level of ordinary skill in the art at the time the '967 patent was filed?

46. What is the level of ordinary skill in the art at the time the '689 patent was filed?

47. Whether the specification of the '967 patent allows a person of ordinary skill in the art at the time the '967 patent was filed to recognize that the inventors of the '967 patent invented what is claimed, as those claims are construed by the Court.

48. Whether the specification of the '689 patent allows a person of ordinary skill in the art at the time the '689 patent was filed to recognize that the inventors of the '689 patent invented what is claimed, as those claims are construed by the Court.

2. Contested Issues of Law

49. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '967 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a).

50. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '689 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a).

III. U.S. PATENT NOS. 8,058,238 AND 8,129,342³

A. Invalidity

1. Alleged Anticipation of the '238 Patent

a) Contested Issues of Fact

51. Whether U.S. Patent No. 4,874,843 (“the ’843 patent”) discloses, either expressly or inherently, each and every limitation of claim 98 of U.S. Patent No. 8,058,238 (“the ’238 patent”).

52. Whether the ’843 patent fails to enable one of ordinary skill in the art to practice claim 98 of the ’238 patent.

b) Contested Issues of Law

53. Whether Hospira has proven by clear and convincing evidence that claim 98 of the ’238 patent are anticipated by the ’843 patent.

54. Whether the ’843 patent discloses that practicing its claimed process produces an about 93% pure daptomycin composition relative to impurities 1-12 and, therefore, dedicates to the public the product claimed in claim 98 of the ’238 patent.

2. Alleged Obviousness of the '238 and '342 Patents

a) Contested Issues of Fact

i) Contested Issues of Fact Regarding the '238 Patent

55. What is the level of ordinary skill in the art at the time of the alleged invention claimed in the asserted claims of the ’238 patent?

56. What is the scope and content of the prior art to the ’238 patent?

57. What are the differences between the asserted claims of the ’238 patent and the prior art?

³ The asserted claims of the ’238 patent are claims 91, 98, and 187. The asserted claims of the ’342 patent are claims 23 and 53.

58. Would a person of ordinary skill in the art have been motivated to modify or combine the teachings of the prior art to achieve the alleged invention claimed in the asserted claims of the '238 patent?

59. Whether a person of ordinary skill in the art would have had a reasonable expectation of success in modifying or combining the prior art to achieve the alleged invention claimed in the asserted claims of the '238 patent.

60. Whether the alleged invention of the asserted claims of the '238 patent fulfilled a long felt but unresolved need.

61. Whether others in the field have tried but failed to develop the alleged invention claimed in the '238 patent.

62. Whether the alleged invention of the asserted claims of the '238 patent exhibit unexpected results.

63. Whether Cubicin[®] is the commercial embodiment of the asserted claims of the '238 patent.

64. Whether, if Cubicin[®] is the commercial embodiment of the asserted claims of the '238 patent, it has been a commercial success.

65. Whether there is a nexus between the alleged invention of the asserted claims of the '238 patent and the evidence of secondary considerations of non-obviousness.

66. Whether secondary considerations (if any) are sufficient to overcome a prima facie case of obviousness.

ii) Contested Issues of Fact Regarding the '342 Patent

67. What is the level of ordinary skill in the art at the time of the alleged invention claimed in the asserted claims of the '342 patent?

68. What is the scope and content of the prior art to U.S. Patent No. 8,129,342 (“the ’342 patent”)?

69. What are the differences between the asserted claims of the ’342 patent and the prior art?

70. Would a person of ordinary skill in the art have been motivated to modify or combine the teachings of the prior art to achieve the alleged invention claimed in the asserted claims of the ’342 patent?

71. Whether a person of ordinary skill in the art would have had a reasonable expectation of success in modifying or combining the prior art to achieve the alleged invention claimed in the asserted claims of the ’342 patent.

72. Whether the alleged invention of the asserted claims of the ’342 patent fulfilled a long felt but unresolved need.

73. Whether others in the field have tried but failed to develop the alleged invention claimed in the ’342 patent.

74. Whether the alleged invention of the asserted claims of the ’342 patent exhibit unexpected results.

75. Whether Cubicin[®] is the commercial embodiment of the asserted claims of the ’342 patent.

76. Whether, if Cubicin[®] is the commercial embodiment of the asserted claims of the ’342 patent, it has been a commercial success.

77. Whether there is a nexus between the alleged invention of the asserted claims of the ’342 patent and the evidence of secondary considerations of non-obviousness.

78. Whether secondary considerations (if any) are sufficient to overcome a prima facie case of obviousness.

b) Contested Issues of Law

79. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '238 patent would have been obvious to one of ordinary skill in the art at the time the alleged invention was made in view of the prior art.

80. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '342 patent would have been obvious to one of ordinary skill in the art at the time the alleged invention was made in view of the prior art.

B. Alleged Invalidity For Lack of Written Description

1. Contested Issues of Fact

81. What is the level of ordinary skill in the art at the time the '238 patent was filed?

82. What is the level of ordinary skill in the art at the time the '342 patent was filed?

83. Whether the specification of the '238 patent allows a person of ordinary skill in the art at the time the '238 patent was filed to recognize that the inventors of the '238 patent invented what is claimed, as those claims are construed by the Court.

84. Whether the specification of the '342 patent allows a person of ordinary skill in the art at the time the '342 patent was filed to recognize that the inventors of the '342 patent invented what is claimed, as those claims are construed by the Court.

2. Contested Issues of Law

85. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '238 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a).

86. Whether Hospira has proven by clear and convincing evidence that the asserted claims of the '342 patent are invalid for failure to satisfy the written description requirement of 35 U.S.C. § 112(a).

IV. RELIEF

A. Contested Issues of Law

1. Whether Cubist is entitled, under 35 U.S.C. § 271(e)(4)(A), to an order that the effective date of any approval of the proposed product under Hospira's Abbreviated New Drug Application No. 202587 and Hospira's New Drug Application No. 203797 be a date that is not earlier than the latest expiration date for the '967, '689, RE'071, '238, and '342 patents, or any later date of exclusivity to which Cubist is or becomes entitled.

2. Whether Cubist is entitled, under 35 U.S.C. § 271(e)(4)(B), to a permanent injunction, restraining and enjoining Hospira from engaging in the commercial manufacture, use, offer for sale, or sale of its proposed products within the United States, or importation into the United States, prior to the expiration of the '967, '689, RE'071, '238, and '342 patents.

3. Whether this case is an exceptional one such that Hospira is entitled to its reasonably attorney fees and costs under 35 U.S.C. § 285.

V. CLAIM CONSTRUCTION

1. Whether the Courts construction of "formula 3 compound" and "daptomycin" should be revisited or revised in light of evidence produced and expert opinions rendered since the *Markman* hearing, evidence received at trial, and/or the Federal Circuit's decision in *Bayer Cropscience A.G. v. Dow Agrosciences LLC*.

EXHIBIT 4

EXHIBIT 4

CUBIST'S TRIAL EXHIBIT LIST WITH HOSPIRA'S OBJECTIONS

Objections are indicated by codes in the "Objection" column of the following list. The letter codes have the following meanings:

A	=	Requires authentication before admission into evidence F.R. Evid. 104 and 901
B	=	Not the best evidence. Not an accurate duplicate of the original F.R. Evid. 901, 1002, 1003, and 1005
C	=	Needless presentation of cumulative evidence; duplicative F.R. Evid. 403
F	=	No foundation F.R. Evid. 602, 901, 1002, 1003, and 1006
H	=	Hearsay if offered for the truth of the matter asserted F.R. Evid. 801, 803
I	=	Incomplete document F.R. Evid. 106, 403 and 1003
MD	=	Proposed exhibit contains multiple documents
NP	=	No copy provided for review
O	=	Improper Opinion testimony F.R. Evid. 701, 702, and Fed R. Civ. P. 26 re expert reports
PK	=	Lack of personal knowledge F.R. Evid. 602
R	=	Not relevant F.R. Evid. 401, 402, 403, and 407
S	=	Not relevant F.R. Evid. 408
SP	=	Speculation F.R. Evid. 602
W	=	Wrong document identified or incorrectly described

PTX No.	Description	Bates Range	Objection
PTX-001	U.S. Patent No. 6,468,967	CUBH 000050-63	
PTX-002	U.S. Patent No. 6,852,689	CUBH 000064-82	
PTX-003	U.S. Patent No. RE39,071	CUBH 000035-49	
PTX-004	U.S. Patent No. 8,058,238	CUBH 000083-120	
PTX-005	U.S. Patent No. 8,129,342	CUBH 000001-34	
PTX-006	File History: U.S. Patent No. 6,468,967	CUBH 000698-1432	
PTX-007	File History: U.S. Patent No. 6,852,689	CUBH 001433-703	
PTX-008	File History: U.S. Patent No. RE39,071	CUBH 00435-697	
PTX-009	Request for Certificate of Correction for RE39,071	CUB 01737476-78	
PTX-010	Certificate of Correction for RE39,071	HOSP_CUB0061586-606	
PTX-011	File History: U.S. Patent No. 8,058,238	CUBH 001704-2123	
PTX-012	File History: U.S. Patent No. 8,129,342	CUBH 000121-434	
PTX-013	U.S. Patent No. 4,885,243	CUB 02185780-85	
PTX-014	Cubist Inc., Investigational New Drug Application No. 57,693	CUB 00120322-134733	NP
PTX-015	Cubist Inc., New Drug Application No. 21,572	CUB 00000001-120321	NP
PTX-016	Cubicin® label approved September 12, 2003, available at http://www.accessdata.fda.gov/drug_satfda_docs/label/2003/21572_cubicin_lbl.pdf	-	
PTX-017	Cubicin® label revised April 2013, available at http://www.accessdata.fda.gov/drug_satfda_docs/label/2013/021572s043s044lbl.pdf		
PTX-018	Cubist Pharmaceuticals Inc., 10-K (02/26/10)	CUB 02410189-339	F; H; R
PTX-019	Cubist Pharmaceuticals Inc., 10-K (12/31/12)		F; H; R
PTX-020	Cubist Pharmaceuticals, Inc., "Against Staph"	CUB 02176461-72	A; C; F; H; R

PTX No.	Description	Bates Range	Objection
PTX-021	[REDACTED]	CUB 00439727-42	C; F; H; R
PTX-022	[REDACTED]	CUB 00914013-66	C; F; H; I; R
PTX-023	[REDACTED]	CUB 01163051-136	C; F; H; I; R
PTX-024	[REDACTED]	CUB 00982832-923	C; F; H; I; R
PTX-025	[REDACTED]	CUB 02380775-898	C; F; H; R
PTX-026	[REDACTED]	CUB 01055387-442	C; F; H; R
PTX-027	[REDACTED]	CUB 02459127-91	C; F; H; R
PTX-028	[REDACTED]	CUBH 364990-5000	C; F; H; R
PTX-029	[REDACTED]	CUBH 562107-131	F; H
PTX-030	Current Dollar and Real Gross Domestic Product	CONFIDENTIAL_CUBH 0567664.xls	A; F; H
PTX-031	IMS Data	CONFIDENTIAL_CUBH 0567656.xls - 662.xls, CONFIDENTIAL_CUBH 0567665.xls - 666.xls, CONFIDENTIAL_CUBH 0567668.xls	A; F; H
PTX-032	American Society for Microbiology, Report of the ASM Task Force on Antibiotic Resistance (1995)	CUB 02458772-95	H; R
PTX-033	Arbeit et al., <i>The Safety and Efficacy of Daptomycin for the Treatment of Complicated Skin and Skin-Structure Infections</i> , 38 Clin. Infect. Dis. 1673 (2004)	CUB 02458763-71	R

PTX No.	Description	Bates Range	Objection
PTX-034	[REDACTED]	CONFIDENTIAL_CUBH 0567663.xlsx, CONFIDENTIAL_CUBH 0567667.xlsx	F; H
PTX-035	[REDACTED]	CUBH 0571181-325	H; R
PTX-036	BusinessWire, "Cubist Pharmaceutical Named One of Fortune's '100 Fastest-Growing Companies'," August 20, 2010, available at http://www.businesswire.com/news/home/20100820005422/en/Cubist-Pharmaceuticals-Named-Fortune%E2%80%99s-%E2%80%9C100-Fastest-Growing-Companies%E2%80%9D		A; F; H; R
PTX-037	BusinessWire, "Cubist Achieves Top Biotech Ranking in Globe 100 List," May 19, 2013, available at http://www.businesswire.com/news/home/20130519005014/en/Cubist-Achieves-Top-Biotech-Ranking-Globe-100		A; F; H; R
PTX-038	Davis et al., "Daptomycin versus Vancomycin for Complicated Skin and Skin Structure Infections: Clinical and Economic Outcomes," 27 <i>Pharmacotherapy</i> 1611 (2007)	CUB 01849742-49	H; R
PTX-039	Decision Resources, <i>Antibiotic Market Opportunities Beyond the Hospital: Market Trends, Medical Practice, and Reimbursement of Outpatient Parenteral Antibiotic Therapy (OPAT): A Survey of Infectious Disease Specialists and Managed Care Organization Medical Directors</i> (2011)	CUBH 0311399-521	R

PTX No.	Description	Bates Range	Objection
PTX-040	DiNubile & Lipsky, "Complicated Infections of Skin and Skin Structures: When the Infection is More than Skin Deep," 53 <i>J. of Antimicro. Chemo.</i> ii37 (2004)	CUB 02459224-37	H; R
PTX-041	Drugs.com, Doxycycline," http://www.drugs.com/doxycycline.html	HOSP_CUB 0162478-84	R
PTX-042	Drugs.com, "Minocycline," http://www.drugs.com/minocycline.html	HOSP_CUB 0162485-91	R
PTX-043	Food and Drug Administration, "Fast Track, Accelerated Approval and Priority Review," available at http://www.fda.gov/forconsumers/byaudience/forpatientadvocates/speedingaccesstoimportantnewtherapies/ucm128291.htm	CUB 02459454-56	A; F; H; R
PTX-044	Food and Drug Administration, "Battle of the Bugs: Fighting Antibiotic Resistance," available at http://www.fda.gov/Drugs/ResourcesForYou/Consumers/ucm143568.htm	CUB 02459460-62	A; F; H; R
PTX-045	Food and Drug Administration, "Comprehensive List of Guidance Documents at the Food and Drug Administration" (8/9/10)	CUBH 0570116-270	H; R
PTX-046	Food and Drug Administration, The United States Pharmacopeia, USP 36, NF 31, Chapter 85, Bacterial Endotoxins Test (2013)	CUBH 0571573-79	H; R
PTX-047	Fowler et al., <i>Daptomycin versus Standard Therapy for Bacteremia and Endocarditis Caused by Staphylococcus aureus</i> , 355 <i>N. Engl. J. Med.</i> 653 (2006)	CUB 02459540-52	R

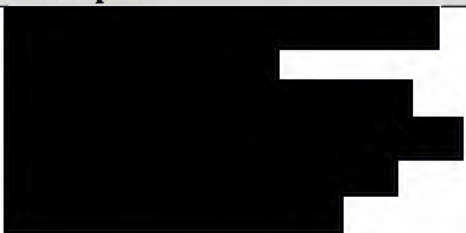
PTX No.	Description	Bates Range	Objection
PTX-048	Hughes, "FDA Panel Split on Daptomycin for Infective Endocarditis," HeartWire (3/6/06), available at http://www.staging.iad1.theheart.org/article/660407.do	CUBH 0570525-26	A; H; R
PTX-049	Lipsky et al., "2012 Infectious Disease Society of America Clinical Practice Guideline for the Diagnosis and Treatment of Diabetic Foot Infections," 54 Clin. Infect. Dis. 132 (2012)	CUBH 0570695-736	H; R
PTX-050	Liu et al., "Clinical practice guidelines by the Infectious Diseases Society of America for the treatment of methicillin-resistant Staphylococcus aureus infections in adults and children," 52 Clin. Infect. Dis. 1 (2011)	CUBH 0570737-74	R
PTX-051	Lowy, "Vancomycin-intermediate and vancomycin-resistant Staphylococcus aureus infections," Wolters Kluwer Health, UpToDate (7/23/13)	HOSP_CUB 0162185-94	R
PTX-052	Mermel et al., "Clinical Practice Guidelines for the Diagnosis and Management of Intravascular Catheter-Related Infection: 2009 Update by the Infectious Diseases Society of America," 49 Clin. Infect. Dis. 1 (2009)	CUB 00176035-79	H; R
PTX-053	"Minocin, Minocycline for Injection, 100 Mg/Vial Intravenous"		R
PTX-054	Noskin et al., "The Burden of Staphylococcus Aureus Infections on Hospitals in the United States," 165 Archives of Internal Medicine 1756 (2005)	CUB 02459651-56	C; H; R

PTX No.	Description	Bates Range	Objection
PTX-055	Sievert et al., “Vancomycin-Resistant <i>Staphylococcus aureus</i> in the United States, 2002–2006.” 46 <i>Clin. Infect. Dis.</i> 668 (2008)	CUB 02330956-62	R
PTX-056	Stevens et al. “Practice Guidelines for the Diagnosis and Management of Skin and Soft-Tissue Infections,” 41 <i>Clin. Infect. Dis.</i> 1373 (2005)	CUBH 0147995-8029	H; R
PTX-057	Yang et al., “Hospital Policies and Practices on Prevention and Treatment of Infections Caused by Methicillin-Resistant <i>Staphylococcus Aureus</i> ,” 67 <i>Am. J. of Health-System Pharm.</i> 1017 (2010)	CUB 02460017-24	R
PTX-058	Zyvox label approved 5/3/2013, available at http://www.accessdata.fda.gov/drug_satfda_docs/label/2013/021130s023s024,021131s021s022,021132s022s023lbl.pdf		R
PTX-059	Vancocin HCl label approved 12/14/2011, available at http://www.accessdata.fda.gov/drug_satfda_docs/label/2011/050606s028lbl.pdf		H; R
PTX-060	Vancomycin HCl label approved 11/30/2011, available at http://www.accessdata.fda.gov/drug_satfda_docs/label/2011/062912s040lbl.pdf		H; R
PTX-061	Vibativ label approved 6/21/2013, available at http://www.accessdata.fda.gov/drug_satfda_docs/label/2013/022407s000,022110s003lbl.pdf		H; R
PTX-062	Synercid label approved 1/13/2012, available at http://www.accessdata.fda.gov/drug_satfda_docs/label/2012/050747s014,050748s013lbl.pdf		H; R

PTX No.	Description	Bates Range	Objection
PTX-063	Teflaro label approved 5/29/2013, available at http://www.accessdata.fda.gov/drug_satfda_docs/label/2013/200327s009lbl.pdf		H; R
PTX-064	Tygacil label approved 9/26/2013, available at http://www.accessdata.fda.gov/drug_satfda_docs/label/2013/021821s026s031lbl.pdf		H; R
PTX-065	Boden et al., <i>Total Syntheses and Re-assignment of Configurations of the Cyclopeptides Lissoclinamide 4 and Lissoclinamide 5 from Lissoclinum Patella</i> , 1. J. Chem. Soc'y Perkin Transactions 875 (2000)	CUB 02455566-73	R
PTX-066	Bonnard et al., <i>Stereochemistry of Kahalalide F</i> , 66 J. Natural Prods. 1466 (2003)	CUB 02455541-45	H; R
PTX-067	Degnan et al., <i>New Cyclic Peptides with Cytotoxic Activity from the Ascidian Lissoclinum patella</i> , 32 J. Med. Chem. 1349 (1989)	CUB 02455550-55	H; R
PTX-068	Dorr et al., <i>Analytical and Biological Inequivalence of Two Commercial Formulations of the Antitumor Agent Bleomycin</i> , 42 Cancer Chem. & Pharma. 149 (1998)	CUB 02460324-29	H; R
PTX-069	Goetz et al., <i>The Absolute Stereochemistry of Kahalalide F</i> , 55 Tetrahedron 7739 (1999)	CUB 02455531-38	H; R
PTX-070	Hamann et al., <i>Kahalalide F: A Bioactive Depsipeptide from the Sacoglossan Mollusk Elysia rufescens and the Green Alga Bryopsis sp</i> , 115 J. Am. Chem. Soc'y 5825 (1993)	CUB 02455539-40	H; R
PTX-071	Jones, <i>Photodiode Array Detectors in UV-VIS Spectroscopy: Part II</i> , 57 Analytical Chem. 1207 (1985)	CUBH 0570533-40	H; R

PTX No.	Description	Bates Range	Objection
PTX-072	López-Macià et al., <i>Synthesis and Structure Determination of Kahalalide F</i> , 123 J. Am. Chem. Soc'y 11398 (2001)	CUB 024555546-49	H; R
PTX-073	Miao et al., <i>Daptomycin Biosynthesis in Streptomyces roseosporus: Cloning and Analysis of the Gene Cluster and Revision of Peptide Stereochemistry</i> , 151 Microbiology 1507 (2005)	HOSP_CUB 0106865-82	
PTX-074	Newman et al., <i>Natural Products as Sources of New Drugs over the Last 25 Years</i> , 70 J. Natural Prods. 461 (2007)	CUBH 0570843-59	H; R
PTX-075	Oka et al., <i>Improvement of Chemical Analysis of Antibiotics: Isocratic High-performance Liquid Chromatographic Methods for the Analysis and Preparative Separation of the Components of Bacitracin</i> , 462 J. Chromatography A 315 (1989)	CUB 02455774-81	H; R
PTX-076	Orwa et al., <i>Liquid Chromatography of Polymyxin B Sulphate</i> , 870 J. Chromatography A 237 (2000)	CUB 02460317-23	R
PTX-077	Pan et al., <i>Analytical HPLC of the Aridicin Glycopeptide Complex and its Application to Fermentation Development</i> , 1 J. Indus. Microbiology 303 (1987)	CUBH 02455746-53	H; R
PTX-078	Park et al., <i>High Performance Liquid Chromatography of Hydroperoxides Formed by Autoxidation of Vegetable Oils</i> , 45 Agric. & Biological Chemistry 2443 (1981)	CUB 02455782-87	H; R


PTX No.	Description	Bates Range	Objection
PTX-079	Schmitz et al., <i>Cyclic Peptides from the Ascidian Lissoclinum patella: Conformational Analysis of Patellamide D by X-ray Analysis and Molecular Modeling</i> , 54 J. Organic Chem. 3463 (1989)	CUB 02455556-65	H; R
PTX-080	White, <i>Recent Developments in Detection Techniques for High-performance Liquid Chromatography. Part II. Other Detectors. A Review</i> , 109 Analyst 973 (1984)	CUBH 0571599-610	H; R
PTX-081	Wolfender et al., <i>Structural Investigations of Isomeric Oxidised Forms of Hyperforin by HPLC-NMR and HPLC-MSn</i> , 14 Phytochemical Analysis 290 (2003)	CUB 02455766-73	H; R
PTX-082	Daptomycin Structure (1987)		F
PTX-083	Daptomycin Structure (2005)		F
PTX-084	[REDACTED]	HOSP_CUB 0019451-55	F
PTX-085	[REDACTED]	HOSP_CUB 0018447-50	H; R
PTX-086	[REDACTED]	CUBH 0006579-728	A; F; H; O
PTX-087	[REDACTED]	CUBH 0562132-85	F; H; R
PTX-088	[REDACTED]	CUBH 0006334-560	A; F; H; O
PTX-089	Debono et al., <i>A21978C, a Complex of New Acidic Peptide Antibiotics: Isolation, Chemistry, and Mass Spectral Structure Elucidation</i> , 40 J. Antibiotics 761 (1987)	HOSP_CUB 0004759-75	
PTX-090	Section 1.1 - Manufacturing Process Development	CUBH 0111467-95	F; H; R
PTX-091	Cubist New Drug Application No. 21,572 - Chemistry, Manufacturing and Controls Section	CUB 00026546-915	H
PTX-092	[REDACTED]	CUBH 0052301-03	F; H; R
PTX-093	[REDACTED]	CUB 00734456-57	F; H; R

PTX No.	Description	Bates Range	Objection
PTX-094		CUBH 0567315-412	F; H; R
PTX-095	Berg et al., <i>Biochemistry</i> (5th ed. 2002)	CUBH 0568164-85	H; R
PTX-096	Campbell et al., <i>Biochemistry Illustrated</i> 11 (4th ed. 2000)	CUBH 0568314-16	H; R
PTX-097	Wagner et al., <i>New Naturally Occurring Amino Acids</i> , 22 <i>Angew. Chem. Int'l Ed. Eng.</i> 816 (1983)	CUBH 0571580-92	H; R
PTX-098	Feng et al., <i>Molecular Basis for the Binding of SH3 Ligands with Non-Peptide Elements Identified by Combinatorial Synthesis</i> , 3 <i>Chemistry & Biology</i> 661 (1996)	CUBH 0570271-80	H; R
PTX-099	Feng et al., <i>Enantiomeric Binding Elements Interacting at the Same Site of an SH3 Protein Receptor</i> , 119 <i>J. Am. Chem. Soc.</i> 10873 (1997)	CUBH 0570281-82	H; R
PTX-100	Tae et al., <i>Unexpected Stereochemical Tolerance for the Biological Activity of Tyroscherin</i> , 19 <i>Bioorganic & Med. Chem.</i> 1708 (2011)	CUBH 0571357-62	H; R
PTX-101	Watson et al., <i>Molecular Biology of the Gene</i> (5th ed. 2004)	CUBH 0571593-98	H; R
PTX-102	Mach et al., <i>Separation of the Biosynthesis of the Antibiotic Polypeptide Tyrocidine from Protein Biosynthesis</i> , 50 <i>Proc. Nat'l Acad. Sci.</i> 175 (1963)	CUBH 0570795-801	H; R
PTX-103	Gevers et al., <i>The Activation of Amino Acids for Biosynthesis of Gramicidin S</i> , 60 <i>Proc. Nat'l Acad. Sci.</i> 269 (1968)	CUBH 0570331-38	H; R

PTX No.	Description	Bates Range	Objection
PTX-104	Kleinkauf et al., <i>Interrelation Between Activation and Polymerization in Gramicidin S Biosynthesis</i> , 62 Proc. Nat'l Acad. Sci. 226 (1969)	CUBH 0570541-48	H; R
PTX-105	Kleinkauf et al., <i>Nucleic Acid Independent Synthesis of Peptides</i> , 91 Current Topics in Microbiology and Immunology 129 (1981)	CUBH 0570549-97	H; R
PTX-106	Nolan et al., <i>How Nature Morphs Peptide Scaffolds into Antibiotics</i> , 10 Chem. Bio. Chem. 34 (2009)	CUBH 0570918-37	H
PTX-107	Norine database, at http://bioinfo.lifl.fr/norine/index.jsp	CUBH 0570938-54	F; H
PTX-108	Fischbach et al., <i>Assembly-Line Enzymology for Polyketide and Nonribosomal Peptide Antibiotics: Logic, Machinery, and Mechanisms</i> , 106 Chem. Revs. 3468 (2006)	CUBH 0570283-311	H
PTX-109	Newman et al., <i>Natural Products as Sources of New Drugs over the 30 Years from 1981 to 2010</i> , 75 J. Natural Prods. 311 (2012)	CUBH 0570860-84	H
PTX-110	Lam et al., <i>Total Synthesis of Daptomycin by Cyclization via a Chemoselective Serine Ligation</i> , 135 J. Am. Chem. Soc'y 6272 (2013)	CUBH 0570633-40	H; R
PTX-111	Nicolaou et al., <i>Chasing Molecules That Were Never There: Misassigned Natural Products and the Role of Chemical Synthesis in Modern Structure Elucidation</i> , 44 Angewandte Chemie Int'l Ed. 1012 (2005)	CUBH 0570885-917	H; R

PTX No.	Description	Bates Range	Objection
PTX-112	Suyama et al., <i>Survey of Marine Natural Product Structure Revisions: A Synergy of Spectroscopy and Chemical Synthesis</i> , 19 Bioorganic & Med. Chem. 6675 (2011)	CUBH 0571326-52	H; R
PTX-113	Aldrich Chem. Co., Catalog Handbook of Fine Chemicals 1986-1987 (1986)	CUBH 0568029-31	A; F
PTX-114	Li et al., <i>Salicylaldehyde Ester-Induced Chemoselective Peptide Ligations: Enabling Generation of Natural Peptidic Linkages at the Serine/Threonine Sites</i> , 12 Organic Letters 1724 (2010)	CUBH 0570691-94	H; R
PTX-115	Sausville et al., <i>The Human Vasopressin Gene is Linked to the Oxytocin Gene and is Selectively Expressed in a Cultured Lung Cancer Cell Line</i> , 260 J. Bio. Chem. 10236 (1985)	CUBH 0571132-37	H; R
PTX-116	Williamson et al., <i>New diffusion-edited NMR experiments to expedite the dereplication of known compounds from natural product mixtures</i> , 2 Organic Letters 289 (2000)	CUBH 0571353-56	H; R
PTX-117	Int'l Union of Pure & Applied Chemistry, Compendium of Chemical Terminology (2012)	CUBH 0568333-70002	F; H
PTX-118	Oakenfull et al., <i>The Role of Hydrogen Bonding in the Formation of Bile Salt Micelles</i> , 81 J. Physical Chemistry 1838 (1977)	CUBH 0570955-58	R
PTX-119	Lambert, <i>Membrane-Active Antimicrobial Agents</i> , 15 Progress in Med. Chem. 87 (1978)	CUBH 0570641-78	R

PTX No.	Description	Bates Range	Objection
PTX-120	Ruttenberg et al., <i>The Chemistry of Tyrocidine. VII. Studies on Association Behavior and Implications Regarding Conformation</i> , 5 Biochem. 2857 (1966)	CUBH 0571120-27	R
PTX-121	Gonzalez-Christen et al., <i>Adjuvant Lipopeptide Interaction with Model Membranes</i> , 1368 Biochimica et Biophysica Acta 97 (1998)	CUBH 0570489-99	H
PTX-122	Qiu et al., <i>Estimated pKa Values for Specific Amino Acid Residues in Daptomycin</i> , 100 J. Pharm. Sci. 4225 (2011)	CUBH 0571111-19	H
PTX-123	Muang Siri et al., <i>The Kinetics of the Alkaline Degradation of Daptomycin</i> , 90 J. Pharm. Sci. 1066 (2001)	CUBH 0570826-35	H
PTX-124	Kwa et al., <i>Polymyxins: A Review of the Current Status Including Recent Developments</i> , 37 Annals Acad. of Med. Sing. 870 (2008)	CUBH 0570614-27	H; R
PTX-125	Shaligram et al., <i>Surfactin – A Review on Biosynthesis, Fermentation, Purification and Applications</i> , 48 Food Tech. & Biotechnology 119 (2010)	CUBH 0571156-71	H
PTX-126	Shen et al., <i>Surfactin Structures at Interfaces and in Solution: The Effect of pH and Cations</i> , 115 J. Physical Chemistry B 4427 (2011)	CUBH 0571172-80	H
PTX-127	Sabharwal et al., <i>Prolactin Synthesized and Secreted by Human Peripheral Blood Mononuclear Cells: An Autocrine Growth Factor for Lymphoproliferation</i> , 89 Proc. Nat'l Acad. Sci. 7713 (1992)	CUBH 0571128-31	R
PTX-128	UniProtKB, at http://www.uniprot.org/uniprot/P01236	CUBH 0571058-67	F; H

PTX No.	Description	Bates Range	Objection
PTX-129	Hodgkinson et al., <i>Hydrophobic-interaction Chromatography and Anion-exchange Chromatography in the Presence of Acetonitrile. A Two-step Purification Method for Human Prolactin</i> , 199 Biochem. J. 619 (1981)	HOSP_CUB 0161483-91	
PTX-130		HOSP_CUB 0004487-501	R
PTX-131	Eli Lilly and Company, Initial Investigational New Drug Application (LY146032) - Form FD 1571	CUB 00566183-235	A; F; I; W
PTX-132	Cubist Pharmaceuticals Inc., Investigational New Drug Application No. 57,693 - Vol. 3 Chemistry, Manufacturing & Controls	CUB 00121071-152	H
PTX-133	Cubist Pharmaceuticals Inc., Investigational New Drug Application No. 57,693 (Daptomycin) - Amendment	CUBH0567556-655	H
PTX-134	Harrison's Principles of Internal Medicine 85 (Anthony S. Fauci et al. eds., 14th. ed. 1998)	CUBH 0570107-15	
PTX-135	Sigma-Aldrich Co., Glycobiology Analysis Manual: Tools for Glycoproteomics and Glycomics (2d ed. 2008)	CUBH 0570339-470	F; H
PTX-136	Choi et al., <i>Honaucins A–C, Potent Inhibitors of Inflammation and Bacterial Quorum Sensing: Synthetic Derivatives and Structure-Activity Relationships</i> , 19 Chem. & Bio. 589 (2012)	CUBH 0568323-32	H; R

PTX No.	Description	Bates Range	Objection
PTX-137	Tynan et al., <i>Polymyxin B Inadequately Quenches the Effects of Contaminating Lipopolysaccharide on Murine Dendritic Cells</i> , 7 PLoS ONE e37261 (2012)	CUBH 0571542-51	H
PTX-138	U.S. Pharmacopeial Convention, <i>The United States Pharmacopeia</i> (36th prtg. 2012)	CUBH 0571573-79	F; H; R
PTX-139	U.S. Dep't of Health & Human Servs., Food & Drug Admin., <i>Guideline on Validation of the Limulus Amebocyte Lysate Test as an End-product Endotoxin Test for Human and Animal Parenteral Drugs, Biological Products, and Medical Devices</i> (12/87)	CUBH 0567938-89	R
PTX-140	[REDACTED]	CUBH 0080041-115	H
PTX-141	Petsch et al., <i>Endotoxin Removal from Protein Solutions</i> , 76 J. Biotechnology 97 (2000)	CUBH 0570996-1018	H; R
PTX-142	Francis et al., <i>The Biological Action of Saponins in Animal Systems: A Review</i> , 88 British J. Nutrition 587 (2002)	CUBH 0570312-30	H; R
PTX-143	Konoshima et. al., <i>Anti-tumor Promoting Activities of Afromosin and Soyasaponin I Isolated from Wistaria Brachybotrys</i> , 55 J. Natural Prods. 1776 (1992)	CUBH 0570598-600	R
PTX-144	Chang et. al., <i>Soyasaponin I Decreases the Expression of α2,3-linked Sialic Acid on the Cell Surface and Suppresses the Metastatic Potential of B16F10 Melanoma Cells</i> , 341 Biochemical & Biophysical Res. Commc'ns 614 (2006)	CUBH 0568317-22	H; R

PTX No.	Description	Bates Range	Objection
PTX-145	Berhow et al., <i>Characterization and Antimutagenic Activity of Soybean Saponins</i> , 448 Mutation Res. 11 (2000)	CUBH 0568186-97	H; R
PTX-146	Hayashi et. al., <i>Inhibitory Activity of Soyasaponin II on Virus Replication in vitro</i> , 63 Planta Medica 102 (1997)	CUBH 0570508-11	H; R
PTX-147	Desai et. al., <i>Saponins and their Biological Activities</i> , 41 Pharma Times 13 (2009)	CUBH 0570088-91	H; R
PTX-148	Lee et. al., <i>Soyasaponins Lowered Plasma Cholesterol and Increased Fecal Bile Acids in Female Golden Syrian Hamsters</i> , 230 Experimental Biology & Med. 472 (2005)	CUBH 0570679-86	H; R
PTX-149	Oda et. al., <i>Adjuvant and Haemolytic Activities of 47 Saponins Derived from Medicinal and Food Plants</i> , 381 Biological Chemistry 67 (2000)	CUBH 0570959-66	H; R
PTX-150	Hubert et al., <i>Use of a Simplified HPLC-UV Analysis for Soyasaponin B Determination: Study of Saponin and Isoflavone Variability in Soybean Cultivars and Soy-based Health Food Products</i> , 53 J. Agric. & Food Chemistry 3923 (2005)	CUBH 0570517-24	H; R
PTX-151	[REDACTED]	CUB 00923367	F; R
PTX-152	[REDACTED]	CUB 00548201-02	F; R
PTX-153	Cubist Pharmaceuticals Inc., Daptomycin Investigational New Drug Application No. 57,693 - Vol. 4 Chemistry, Manufacturing & Controls	CUB 00121153-402	H
PTX-154	Cubist Pharmaceuticals, Inc., NDA No. 21-527, Drug Substance	CUB 00945711-6081	F; H

PTX No.	Description	Bates Range	Objection
PTX-155	[REDACTED]	CUB 00695400-22	F; H
PTX-156	Mitra et al., <i>Micellar Properties of Quillaja Saponin. 1. Effects of Temperature, Salt, and pH on Solution Properties</i> , 45 J. Agric. & Food Chemistry 1587 (1997)	CUBH 0570811-19	H; R
PTX-157	[REDACTED]	CUB 00548194	R
PTX-158	[REDACTED]	CUB 00548196	R
PTX-159	[REDACTED]	CUB 00548197	R
PTX-160	[REDACTED]	CUB 00548198	R
PTX-161	[REDACTED]	CUB 00548199	R
PTX-162	[REDACTED]	CUB 02406844-56	A; F; H
PTX-163	Debono et al., <i>Enzymatic and Chemical Modifications of Lipopeptide Antibiotic A21978C: The Synthesis and Evaluation of Daptomycin (LY146032)</i> , 8 J. of Antibiotics 1093 (1988)	HOSP_CUB 0161416-28	
PTX-164	Kirsch et al., <i>Kinetics of the Aspartyl Transpeptidation of Daptomycin, a Novel Lipopeptide Antibiotic</i> , 6 Pharm. Res. 387 (1989)	HOSP_CUB 0005059-65	


PTX No.	Description	Bates Range	Objection
PTX-165	Matsuda et al., <i>New Beauveriolides Produced by Amino Acid-supplemented Fermentation of Beauveria sp. FO-6979</i> , 57 J. Antibiotics 1 (2004)	CUBH 0570802-10	H
PTX-166	[REDACTED]	CUB 00567010-11	F; H
PTX-167	[REDACTED]	CUB 00578413-549	A; F
PTX-168	[REDACTED]	CUB 02167351-53	A; F; H
PTX-169	S.2.2 Description of Manufacturing Process and Process Controls for Drug Substance	CUBH 0012127-53	C; F
PTX-170	[REDACTED]	CUBH 0047540-52	F; H
PTX-171	[REDACTED]	CUBH 562107-31	H
PTX-172	Eli Lilly & Co., Investigational New Drug Application No. 27,627 - Amendment	CUBH 00547737-50	A; H
PTX-173	Baker & Chen, Enrichment and Purification of Lipopeptide Biosurfactants, <i>in</i> Biosurfactants 281-88 (Ramkrishna Sen ed. 2010)		R
PTX-174	Shen et al., <i>Aggregation of the Naturally Occurring Lipopeptide, Surfactin, at Interfaces and in Solution: An Unusual Type of Surfactant?</i> , 25 Langmuir 4211 (2009)		H
PTX-175	Desai & Banat, Microbial Production of Surfactants and Their Commercial Potential, 61 Microbiol Mol Biol Rev. 47 (1997)		
PTX-176	Sweadner et al., "Filter Removal of Endotoxin (Pyrogens) In Solution in Different States of Aggregation," 34 Applied and Environmental Microbiology 382 (1977)	CUB 02189882-85	

PTX No.	Description	Bates Range	Objection
PTX-177	C.V. of Dr. Berndt	Ex. 1 to Expert Report	
PTX-178	C.V. of Dr. Gerwick	Ex. A to Expert Report	
PTX-179	C.V. of Dr. Guglielmo	Ex. A to Expert Report	
PTX-180	C.V. of Dr. Myerson	Ex. A to Expert Report	
PTX-181	[REDACTED]	CUB 0397759-8018	F
PTX-182	[REDACTED]	CUB 00563088-169	F
PTX-183	[REDACTED]	CUB 00563170-234	F
PTX-184	[REDACTED]	CUB 01828487-675	F
PTX-185	[REDACTED]	CUB 00000102-625	F
PTX-186	[REDACTED]	CUB 00563235-484	R
PTX-187	[REDACTED]	CUB 0554477-533	F
PTX-188	[REDACTED]	CUB 00144232-38	F
PTX-189	[REDACTED]	LLY 00004008-09	
PTX-190	[REDACTED]	LLY 00000496-98	F
PTX-191	[REDACTED]	LLY 00004045-47	F
PTX-192	[REDACTED]	LLY 00004048-49	F
PTX-193	[REDACTED]	LLY 00005395	A; F
PTX-194	[REDACTED]	LLY 00000504	A; F
PTX-195	[REDACTED]	CUB 00564559-695	A; F

PTX No.	Description	Bates Range	Objection
PTX-196	[REDACTED]	CUB 02415346-47	A; F
PTX-197	[REDACTED]	CUB 00562019-20	A; F
PTX-198	[REDACTED]	CUB 00148046	A; F
PTX-199	3/8/91 letter from M. W. Talbott, [REDACTED]	CUB 02396622	A; F
PTX-200	[REDACTED]	CUB 01738657-58	A; F
PTX-201	[REDACTED]	CUB 02415351-54	A; F
PTX-202	[REDACTED]	CUB 02415348-50	A; F
PTX-203	[REDACTED]	CUB 0563086-87	A; F
PTX-204	[REDACTED]	CUB 00545323-41	R
PTX-205		CUB 00545342-66	R
PTX-206		CUB 00545367-84	R
PTX-207		CUB 00135181-210	R
PTX-208		CUB 00135211-31	R
PTX-209		CUB 00135232-57	R
PTX-210		CUB 00135258-75	R
PTX-211		CUB 00135276-305	R
PTX-212		CUB 00135306-44	R
PTX-213		CUB 00135345-87	R
PTX-214		CUB 00135388-571	R
PTX-215		CUB 00391509-947	R
PTX-216		CUB 00555454-673	R
PTX-217		CUB 02334505 - 980	R

PTX No.	Description	Bates Range	Objection
PTX-218		CUB 00546915-7042	R
PTX-219		CUB 00487236-571	R
PTX-220		CUB 00941079-108	R
PTX-221		CUB 00137204-13	R
PTX-222		CUB 00129604-894	R
PTX-223		CUB 00141367-674	R
PTX-224		CUB 00143746-900	R
PTX-225		CUB 00141678-708	R
PTX-226		CUB 00141740-72	R
PTX-227		CUB 00137214-630	R
PTX-228		CUB 00137634-8225	
PTX-229		CUB 00138226-96	R
PTX-230		CUB 00259050-934	
PTX-231		CUB 00259940-60740	R
PTX-232		CUB 00069146-160	R
PTX-233		CUB 00069181-215	R
PTX-234		CUB 00069220-70274	A; MD; R
PTX-235		CUB 00070277-458	R
PTX-236		CUB 00070461-502	R
PTX-237		CUB 00140296-676	R
PTX-238		CUB 00070891-928	A; R
PTX-239		CUB 02408898	A; F; H; R
PTX-240		CUB 00549316-17	H
PTX-241		CUB 00926762-63	H
PTX-242		CUB 0926761	H; I
PTX-243		CUB 00926472	F; H; R
PTX-244		CUB 00547431-33	H
PTX-245		CUB 00542828-29	F; H
PTX-246		CUB 0549302-308	F; H; I
PTX-247		CUB 00563894-96	A; F; H

PTX No.	Description	Bates Range	Objection
PTX-248	[REDACTED]	CUB 01738593-625	A; H
PTX-249	[REDACTED]	CUB 00552672-73	A; H; R
PTX-250	[REDACTED]	CUB 01738545-68	A; C; H
PTX-251	[REDACTED] sis	CUB 0146115-228	F; H; I
PTX-252	[REDACTED]	CUB 0542035-39	F; H; I
PTX-253	[REDACTED]	CUB 0533834-39	F; H
PTX-254	[REDACTED]	CUB 00070970-1132	H
PTX-255	[REDACTED]	CUB 00071133-299	H
PTX-256	[REDACTED]	CUB 00000096-100	H
PTX-257	[REDACTED]	CUB 00927975-78	H
PTX-258	[REDACTED]	CUB 00183995-99	H; R
PTX-259	[REDACTED]	CUB 00526715-18	H; R
PTX-260	Press Release: FDA Accepts Cidecin NDA and Grants Priority Review Status (2/20/03)	CUB 2299813-14	F; H; R
PTX-261	Provisional US Patent Application No. 60/101,828	CUBH 0571082-110	
PTX-262	Provisional US Patent Application No. 60/125,750	CUBH 0571068-081	
PTX-263	Baltz et al., <i>Natural products to drugs: daptomycin and related lipopeptide antibiotics</i> , 22 Nat. Prod. Rep. 717 (2005)	CUB 00177690-714	H
PTX-264	Benoit, et al., <i>Destruction and Regeneration of Skeletal Muscle after Treatment with a Local Anaesthetic, Bupivacaine (Marcaine®)</i> , 107 J Anat. 547 (1970)	HOSP_CUB 0004931-40	R

PTX No.	Description	Bates Range	Objection
PTX-265		CUBH 0308853-9031	H
PTX-266	Boucher & Sakoulas, <i>Perspectives on Daptomycin Resistance, with Emphasis on Resistance in Staphylococcus aureus</i> , 45 Clin. Infect. Dis. (2007)	CUB 00179836-43	H
PTX-267	Bush et al., <i>Daptomycin (LY146032) Treatment of Experimental Enterococcal Endocarditis</i> , 32 Antimicrob Agents Chemother. 877 (1988)	CUB 00058237-41	H; R
PTX-268	Caron et al., <i>Daptomycin or Teicoplanin in Combination with Gentamicin for Treatment of Experimental Endocarditis Due to a Highly Glycopeptide-Resistant Isolate of Enterococcus faecium</i> , 36 Antimicro. Agents & Chemo., 2611 (1992)	CUB 00144828-33	R
PTX-269	Chandrasekar & Alangaden, Chapter 3: Bacteria, Managing Infections in Patients With Hematological Malignancies (2010)		H
PTX-270	Chandrasekar & Sluchak, <i>Newer Agents against Methicillin and/or Gentamicin-Resistant and -Susceptible Staphylococci</i> , 35 Chemotherapy 333 (1989)		R
PTX-271	Chokkavelu et al., <i>Activity of Eleven Antimicrobial Agents against Methicillin-, Methicillin- and Rifampin-Resistant Staphylococcus aureus</i> , 30 Chemotherapy 97 (1984)		R


PTX No.	Description	Bates Range	Objection
PTX-272	Diekema et al., <i>Survey of Infections Due to Staphylococcus Species: Frequency of Occurrence and Antimicrobial Susceptibility of Isolates Collected in the United States, Canada, Latin America, Europe, and the Western Pacific Region for the SENTRY Antimicrobial Surveillance Program, 1997 – 1999</i> , 32 Clin. Infect. Dis. (Suppl 2) (2001)	CUBH 0474441-59	H
PTX-273	Dukic et al, <i>Epidemics of Community-Associated Methicillin-Resistant Staphylococcus aureus in the United States: A Meta-Analysis</i> , PLoS ONE 8(1), 1-9 (2013)	CUBH 0570098-106	H
PTX-274	Ebert, S. et al., Pharmacokinetic parameter (PKP) and dose regimen efficacy relationships for nafcillin (NAF), vancomycin (VAN), and deptomycin (LY) in experimental staphylococcus aureus (SA) infection, American College of Clinical Pharmacy, Abstract 94 E (1989)		H
PTX-275	Eliopoulos et al., <i>In Vitro and In Vivo Activity of LY 146032, a New Cyclic Lipopeptide Antibiotic</i> , 30 Antimicrobial Agents and Chemotherapy 532 (1986)	CUB 00391357-60	R
PTX-276	Hohenegger, <i>Drug induced rhabdomyolysis</i> , Current Opinion in Pharmacology 12:335-339 (2012)	CUBH 0570512-16	H
PTX-277	Hospira's label for gentamicin		H
PTX-278	Hospira's label for tobramycin		H

PTX No.	Description	Bates Range	Objection
PTX-279	Kosmidis & Chandrasekar, "Management of gram-positive bacterial infections in patients with cancer," 53 <i>Leukemia & Lymphoma</i> 8 (2012)		H
PTX-280	Kuehnert et al., <i>Methicillin-resistant-Staphylococcus aureus Hospitalizations, United States</i> , 11 <i>Emerging Infectious Diseases</i> 868 (2005)	CUB 01089308-12	H
PTX-281	Lamp et al., <i>In Vitro Pharmacodynamic Effects of Concentration, pH, and Growth Phase on Serum Bactericidal Activities of Daptomycin and Vancomycin</i> , 36 <i>Antimicro. Agents & Chemo.</i> 2709 (1992)	CUB 00679804-09	R
PTX-282	Leggett et al., <i>Pharmacodynamic and Pharmacokinetic Parameters (PKPs) Affecting Activity of LY 146032 Against Staphylococcus Aureus</i> , Abstracts of the ICAAC, Abstract No. 154 (1987)	HOSP_CUB 0161521-22	R
PTX-283	Lessa et al., <i>Comparison of Incidence of Bloodstream Infection with Methicillin-Resistant Staphylococcus aureus between England and United States, 2006–2007</i> , 51 <i>Clin. Infect. Dis.</i> 925 (2010)	CUBH 0570687-90	H, R
PTX-284	Moellering, <i>Vancomycin: A 50-Year Reassessment</i> , 42 <i>Clinical Infectious Diseases S3</i> (2006)	CUB 02003372-73	H
PTX-285	Moellering, <i>Current Treatment Options for Community-Acquired Methicillin-Resistant Staphylococcus aureus Infection</i> , 46 <i>Clinical Infectious Diseases</i> 1032 (2008)	CUB 00200694-99	H

PTX No.	Description	Bates Range	Objection
PTX-286	Moore et al., <i>Daptomycin Versus Vancomycin for Bloodstream Infections Due to Methicillin-Resistant Staphylococcus aureus With a High Vancomycin Minimum Inhibitory Concentration: A Case-Control Study</i> , 54 Clinical Infectious Diseases 51 (2012)		H
PTX-287	Murray et al., <i>Early Use of Daptomycin Versus Vancomycin for Methicillin-Resistant Staphylococcus aureus Bacteremia With Vancomycin Minimum Inhibitory Concentration >1 mg/L: A Matched Cohort Study</i> , 56 Clinical Infectious Diseases 1562 (2013)		H
PTX-288	Panlilio et al., <i>Methicillin-Resistant Staphylococcus Aureus in U.S. Hospitals, 1975 – 1991</i> , Infection Control and Hospital Epidemiology 582 (1992)	CUB 02409799-803	A
PTX-289	Oleson et al., <i>Once-Daily Dosing Decreases Toxicity of Daptomycin Development / Background: 1986-1991- Eli Lilly Clinical Development of Daptomycin</i>	CUB 02437212-29	H
PTX-290	Oleson et al., <i>Once-Daily Dosing in Dogs Optimizes Daptomycin Safety</i> , 44 Antimicrob. Agents & Chemo. 2948 (2000)	CUB 00487949-54	A; H
PTX-291	Physicians' Desk Reference 1998. 52nd ed. Montvale, NJ: Thomson PDR.		H
PTX-292	Randich & Chandrasekar, <i>Antibiotics Update: Part III</i> , Hospital Physician March 36 (1997)		H

PTX No.	Description	Bates Range	Objection
PTX-293	Rice et al., <i>In vivo Activity of the Combination of Daptomycin and Fosfomycin Compared with Daptomycin Alone Against a Strain of Enterococcus faecalis with High-Level Gentamicin Resistance in the Rat Endocarditis Model</i> , 15 Diag. Microbiol. Infec. Dis. 173 (1992)	CUB 00570107-10	A
PTX-294	Sakoulas et al., <i>Evaluation of Daptomycin in Experimental Endocarditis Due to Methicillin-Resistant Staphylococcus aureus</i>	CUBH 00253473-96	A; H
PTX-295	Sakoulas et al., <i>Increasing Antibiotic Resistance among 46 Methicillin-Resistant Staphylococcus aureus Strains</i> , CID S360 (2008)	CUB 02157009-16	H
PTX-296	Salimnia et al., <i>Weissella confusa: an unexpected cause of vancomycin-resistant, gram-positive bacteremia in immunocompromised hosts</i> , 13 Transpl Infect Dis 294 (2011)		H
PTX-297	<i>Science news of the year: 1997</i> , Science News Vol. 152 (1997)	CUB 02455589-602	F; H; R
PTX-298	Selimoglu, <i>Aminoglycoside-Induced Ototoxicity</i> , 13 Current Pharmaceutical Design 119 (2007)	CUBH 0571148-55	H
PTX-299	Smith et al., <i>Emergence of Vancomycin Resistance in Staphylococcus aureus</i> , 340 N. Engl. J. Med. 493 (1999)	CUBH 02009225-33	H
PTX-300	Stanford Hospital & Clinics Aminoglycoside Dosing Guidelines 2012, at http://bugsanddrugs.stanford.edu/dosing/AminoglycosideDosingGuide2012.pdf		F; H

PTX No.	Description	Bates Range	Objection
PTX-301	Tally et al., <i>Daptomycin: a Novel Agent for Gram-Positive Infections</i> , 8 Exp. Opin. Invest. Drugs 1223 (1999)	CUB 00147905-20	H
PTX-302	Unowsky et al., <i>In vitro and in vivo Activity of Coumermycin and Other Antibacterial Agents against Methicillin-Resistant Strains of Staphylococcus aureus</i> , 32 Chemotherapy 499 (1986)		R
PTX-303	Cubist Inc., Investigational New Drug Application No. 57,693 - Module IIB. Nonclinical Written Summary Pharmacology and Toxicology Information	CUB 00462732-71	F; H
PTX-304	Cubist Inc., Investigational New Drug Application No. 57,693 - Module 2F, Nonclinical Written Summary Pharmacology and Toxicology Information	CUB 00463019-150	F; H
PTX-305	[REDACTED]	HOSP_CUB 0032715-16	H; R
PTX-306	[REDACTED]	HOSP_CUB 0037193	H; R
PTX-307	[REDACTED]	HOSP_CUB 0096365-68	A; H; R
PTX-308	[REDACTED]	HOSP_CUB 0156717-23	A; H; R
PTX-309	[REDACTED]	HOSP_CUB 0100957	H; R
PTX-310	[REDACTED]	HOSP_CUB 0021229-76	H

PTX No.	Description	Bates Range	Objection
PTX-311	Eli Lilly & Co., Investigational New Drug Application No. 27,627	CUB00134734 – CUB00137213	NP
PTX-312		CUBH 0032683-864	A; F; H
PTX-313		CUBH 0002768-979	A; H
PTX-314		CUB 00577951-8182	A; H
PTX-315		CUB 00578183-412	A; H

PTX No.	Description	Bates Range	Objection
PTX-316		CUBH562244—86	A; F; H; R
PTX-317		LLY0005436	R
PTX-318		HOSP_CUB0019128-46	F; H; R
PTX-319	Defendant Hospira, Inc.'s Response to Plaintiff Cubist Pharmaceuticals, Inc.'s First Set of Requests for Admission		R
PTX-320	Curriculum Vitae of Francis P. Tally, M.D.	CUB00534055-77	
PTX-321	Lee et al., Effect of Protein Binding of Daptomycin on MIC and Antibacterial Activity, Antimicrobial Agents & Chemotherapy 35(12):2505-2508 (1991)	CUB 02457925-28	R
PTX-322	Provisional Application No. 60/177,170	CUB02167558-620	
PTX-323	U.S. Patent No. RE32,333	CUB02165630-51	R
PTX-324	U.S. Patent No. RE32,455	CUB02389165-89	R
PTX-325	U.S. Patent No. 4,800,157		R
PTX-326	U.S. Patent No. RE32,310	CUB00544545-58	R
PTX-327	U.S. Patent No. RE32,311	CUB00565520-44	R
PTX-328	U.S. Patent No. 4,482,487	CUB00565475-99	R
PTX-329	U.S. Patent No. 4,524,135	CUB00565500-19	R
PTX-330	U.S. Patent No. 4,208,403	CUBH0571552-72	R


PTX-331		CUB00719076-79	
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EXHIBIT 5

Def. Hospira's Trial Exhibit List With Cubist Objections

Cubist objects to Hospira's proposed trial exhibits as follows. Cubist reserves its right to make additional objections to these exhibits at trial and, in particular, reserves its right to make hearsay objections to the extent that Hospira seeks to enter statements made in these, or any other document, for their truth.

Code	Objection
A	Authenticity. Cubist objects to this exhibit because Hospira has produced no evidence establishing that this document is authentic. (FRE 901)
A-A	Authenticity – Ancient Documents. Cubist objects to this exhibit because Hospira has produced no evidence establishing that this document is authentic. To the extent Hospira contends that this document is authentic under Federal Rule of Evidence 901(b)(8), there is no evidence establishing that the document was in a place where, if authentic, it would likely be. (FRE 901)
A-D	Authenticity – Inadequate Description. Cubist objects to this exhibit because Hospira has not produced evidence to support a finding that the item is what Hospira claims it is, and the document does not, on its face, support Hospira's description. (FRE 901)
A-R	Authenticity – Reliance. Cubist objects to this exhibit because Hospira has produced no evidence establishing that this document is authentic. To the extent Hospira contends that this document is authentic because Cubist relied on this document in its FDA filings, Hospira has produced no evidence establishing that Cubist in fact relied on this document for the information contained in Cubist's FDA filings. (FRE 901)
B	Best Evidence Rule Prohibits Introduction. Cubist objects to this exhibit because the best evidence rule prohibits introduction. (FRE 1002)
C	Cumulative, Duplicative, Wasteful or Undue Delay. Cubist objects to this exhibit because it is cumulative, duplicative, wasteful or would cause undue delay. (FRE 403)
D	Demonstrative. Cubist objects to this exhibit because it is a demonstrative and should not be admitted into evidence.
DE	Description. Cubist objects to this exhibit because the description does not accurately reflect the document.
H	Hearsay. Cubist objects to this exhibit because it is hearsay and should not be admitted into evidence. (FRE 802)
I	Irrelevant and/or Immaterial. Cubist objects to this exhibit because it is irrelevant

Def. Hospira's Trial Exhibit List With Cubist Objections

Code	Objection
	and/or immaterial. (FRE 401-402)
L	Lack of Personal Knowledge or Competency. Cubist objects to this exhibit because it is there is no witness with personal knowledge or competency on the contents of the exhibit. (FRE 602)
M	Subject to Motion. Cubist objects to this exhibit because it is subject to an evidentiary issue to be raised before the court.
NE	Not Evidence. Cubist objects to this exhibit because it is not evidence.
O	Offer to Compromise, Settlement. Cubist objects to this exhibit because it is an offer to compromise or settle. (FRE 408)
P	Prejudicial, Confusing or Misleading. Cubist objects to this exhibit because it is prejudicial, confusing or misleading. (FRE 403)
R	Reserved. Cubist reserves its right to object to this exhibit because the exhibit has not been provided, the copy provided is illegible and/or the entry includes multiple documents.
W	Privileged/Work Product. Cubist objects to this exhibit because it is privileged and/or attorney work product. (FRE 501)
U	Untimely/Never Produced. Cubist objects to this exhibit because it is untimely and/or never produced.
X	Incomplete Document. Cubist objects to this exhibit because it is an incomplete document.

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DTX	BegBates	EndBates	Date	Dep Ex Description	OBJECTIONS
1	HOSP_CUB016187 4	HOSP_CUB01618 89	4/18/2006	Certified U.S. Patent RE39,071	
2	HOSP_CUB016189 0	HOSP_CUB01618 99	6/15/1999	Certified U.S. Patent 5,912,226	
3	HOSP_CUB016190 0	HOSP_CUB01619 39	11/15/2011	Certified U.S. Patent 8,058,238	
4	CUBH0008695	CUBH0008733	11/15/2011	U.S. Patent 8,058,238 with 10/20/11 Issue Notification	X-LACKS CERTIFICATE OF CORRECTION
5	HOSP_CUB016194 0	HOSP_CUB01619 46	12/5/1989	Certified U.S. Patent 4,885,243	
6	HOSP_CUB016194 7	HOSP_CUB01620 12	8/28/2007	Certified U.S. Patent 7,262,268	
7	HOSP_CUB016201 3	HOSP_CUB01620 35	1/20/1987	Certified U.S. Patent RE32,333	
8	HOSP_CUB016203 6	HOSP_CUB01620 70	3/6/2012	Certified U.S. Patent 8,129,342	
9	HOSP_CUB016207 1	HOSP_CUB01620 92	6/17/1980	Certified U.S. Patent 4,208,403	
10	HOSP_CUB016209 3	HOSP_CUB01621 12	2/8/2005	Certified U.S. Patent 6,852,689	
11	HOSP_CUB016211 3	HOSP_CUB01621 37	8/27/1985	Certified U.S. Patent 4,537,717	
12	HOSP_CUB016213 8	HOSP_CUB01621 42	10/17/1989	Certified U.S. Patent 4,874,843	
13	HOSP_CUB000468 9	HOSP_CUB00047 23	10/17/1989	U.S. Patent 4,874,843 with application	I, C, R
14	HOSP_CUB016214 3	HOSP_CUB01621 57	10/22/2002	Certified U.S. Patent 6,468,967	
15	CUB00565500	CUB00565519	6/18/1985	U.S. Patent 4,524,135	
16	CUB00544545	CUB00544558	12/16/1986	U.S. Patent RE32,310	
17	CUB00929529	CUB00929553	12/16/1986	U.S. Patent RE32,311	
18	CUB00929576	CUB00929600	7/7/1987	U.S. Patent RE32,455	
19	HOSP_CUB000501 8	HOSP_CUB00050 42	11/13/1984	U.S. Patent 4,482,487	
20	HOSP_CUB016132 4	HOSP_CUB01613 35	8/16/1983	U.S. Patent 4,399,067	

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DTX	BegBates	EndBates	Date	Dep Ex Description	OBJECTIONS
21	CUB02186408	CUB02186495	5/16/1983	European Patent Specification 0 095 295 B1	I, H
22	N/A	N/A	2/3/2005	U.S. Patent Applicaiton Pub. No. US 2005/0027113 A1	I, H
23	CUBH000704	CUBH000734		09/406,568 Patent Application	I, H
24	CUBH001704	CUBH002123		File History for U.S. Patent 8,058,238	
25	CUBH000121	CUBH000434		File History for U.S. Patent 8,129,342	
26	CUBT0002422	CUBT0002607		File History for U.S. Patent RE39,071	
27	CUBH000698	CUBH001432		File History for U.S. Patent 6,468,967	
28	CUBH001433	CUBH001703		File History for U.S. Patent 6,852,689	
29	CUB00120340	CUB00120737	12/31/1998	Cubist IND Vol. 1	
30	CUB00120738	CUB00121070	12/31/1998	Cubist IND Vol. 2	
31	CUB00121071	CUB00121152	12/31/1998	Cubist IND Vol. 3	
32	CUB00121153	CUB00121402	12/31/1998	Cubist IND Vol. 4	
33	CUB00121403	CUB00121799	12/31/1998	Cubist IND Vol. 5	
34	CUB00121800	CUB00121964	12/31/1998	Cubist IND Vol. 6	
35	CUB00121965	CUB00122140	12/31/1998	Cubist IND Vol. 7	
36	CUB00122141	CUB00122443	12/31/1998	Cubist IND Vol. 8	
37	CUB00122444	CUB00122603	12/31/1998	Cubist IND Vol. 9	
38	CUB00122604	CUB00122926	12/31/1998	Cubist IND Vol. 10	
39	CUB00122927	CUB00123256	12/31/1998	Cubist IND Vol. 11	
40	CUB00123257	CUB00123480	12/31/1998	Cubist IND Vol. 12	
41	CUB00123481	CUB00123897	12/31/1998	Cubist IND Vol. 13	
42	CUB00123898	CUB00124278	12/31/1998	Cubist IND Vol. 14	
43	CUB00124279	CUB00124549	12/31/1998	Cubist IND Vol. 15	
44	CUB00124550	CUB00124859	12/31/1998	Cubist IND Vol. 16	
45	CUB00124860	CUB00125144	12/31/1998	Cubist IND Vol. 17	
46	CUB00125145	CUB00125457	12/31/1998	Cubist IND Vol. 18	
47	CUB00125458	CUB00125761	12/31/1998	Cubist IND Vol. 19	
48	CUB00125762	CUB00126051	12/31/1998	Cubist IND Vol. 20	
49	CUB00126052	CUB00126367	12/31/1998	Cubist IND Vol. 21	
50	CUB00126368	CUB00126795	12/31/1998	Cubist IND Vol. 22	
51	CUB00126796	CUB00127179	12/31/1998	Cubist IND Vol. 23	
52	CUB00127180	CUB00127483	12/31/1998	Cubist IND Vol. 24	
53	CUB00127484	CUB00127899	12/31/1998	Cubist IND Vol. 25	
54	CUB00127900	CUB00128130	12/31/1998	Cubist IND Vol. 26	

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DTX	BegBates	EndBates	Date	Dep Ex Description	OBJECTIONS
55	CUB00128131	CUB00128471	12/31/1998	Cubist IND Vol. 27	
56	CUB00128472	CUB00128698	12/31/1998	Cubist IND Vol. 28	
57	CUB00128699	CUB00128979	12/31/1998	Cubist IND Vol. 29	
58	CUB00128980	CUB00129388	12/31/1998	Cubist IND Vol. 30	
59	CUB00129389	CUB00129602	12/31/1998	Cubist IND Vol. 31	
60	CUB00129603	CUB00129894	12/31/1998	Cubist IND Vol. 32	
61	CUB00129895	CUB00130271	12/31/1998	Cubist IND Vol. 33	
62	CUB00130272	CUB00130350	12/31/1998	Cubist IND Vol. 34	
63	CUB00130351	CUB00130553	12/31/1998	Cubist IND Vol. 35	
64	CUB00130554	CUB00130793	12/31/1998	Cubist IND Vol. 36	
65	CUB00130794	CUB00131080	12/31/1998	Cubist IND Vol. 37	
66	CUB00131081	CUB00131337	12/31/1998	Cubist IND Vol. 38	
67	CUB00131338	CUB00131559	12/31/1998	Cubist IND Vol. 39	
68	CUB00131560	CUB00131711	12/31/1998	Cubist IND Vol. 40	
69	CUB00131712	CUB00132025	12/31/1998	Cubist IND Vol. 41	
70	CUB00132026	CUB00132221	12/31/1998	Cubist IND Vol. 42	
71	CUB00132222	CUB00132534	12/31/1998	Cubist IND Vol. 43	
72	CUB00132535	CUB00132849	12/31/1998	Cubist IND Vol. 44	
73	CUB00132850	CUB00133121	12/31/1998	Cubist IND Vol. 45	
74	CUB00133122	CUB00133399	12/31/1998	Cubist IND Vol. 46	
75	CUB00133400	CUB00133882	12/31/1998	Cubist IND Vol. 47	
76	CUB00133883	CUB00134153	12/31/1998	Cubist IND Vol. 48	
77	CUB00134154	CUB00134370	12/31/1998	Cubist IND Vol. 49	
78	CUB00134371	CUB00134733	12/31/1998	Cubist IND Vol. 50	
79	CUB00026546	CUB00026915		Excerpt from Cubicin NDA	
80	CUBT0000288	CUBT0000290	10/7/2008	Declaration of Richard H. Baltz	
81	CUB00148503	CUB00148503	12/28/2001	[REDACTED]	I
82	CUB00148504	CUB00148504	1/29/2002	[REDACTED]	I, X – DOES NOT INCLUDE ATTACHMENT
83	CUBT0001189	CUBT0001193	9/1/1992	Declaration of Manuel Debono	H
84	N/A	N/A	5/10/2013	Hospira's 30(b)(6) Dep Notice of Cubist	I, NE, H
85	CUB00548574	CUB00548581	7/9/2003	[REDACTED]	

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DTX	BegBates	EndBates	Date	Dep Ex Description	OBJECTIONS
86	CUB02403366	CUB02403377	9/2/2005	Technical Rpt DAP.030.AN - Verification of Stereo Specific Configuration of Asparagine (Asn) in Daptomycin	
87	CUBH0036672	CUBH0036672	12/5/2005	Cubist Regulatory Contact Report from D. Mantus re NDA 25172 S-007	H
88	CUBH0037309	CUBH0037309	12/7/2005	Email from P. Nambiar to J. Lai, S. Luperchio, and J. Silverman re teleconference with FDA in connection with supplemental NDA (S-007)	H
89	CUB00943601	CUB00943632	6/16/2006	Ltr from P. Nambiar to FDA Submitting three patent declaration forms for NDA 21-572	I
90	CUBH0038823	CUBH0038905	5/29/2006	[REDACTED]	I, R – CERTAIN PAGES ARE ILLEGIBLE
91	CUBH0038806	CUBH0038810	6/23/2006	[REDACTED]	I
92	CUBH0038814	CUBH0038816	7/27/2006	[REDACTED]	I
93	CUBH0033814	CUBH0033821	9/11/2006	[REDACTED]	I, R – CONTAINS MULTIPLE DOCUMENTS
94	CUBH0033813	CUBH0033813	9/28/2006	[REDACTED]	I, H
95	CUBH0002124	CUBH0002124	9/11/2007	[REDACTED]	I
96	CUBH000437	CUBH000439	10/18/2007	Request for Certificate of Correction re U.S. Patent RE39,071	C
97	CUB00680612	CUB00680618	2/1/2008	[REDACTED]	I
98	N/A	N/A	9/6/2007	Cubist Pharmaceuticals, Inc. Form 8-K	I, U, X – NO ATTACHMENTS
99	CUB02410482	CUB02410590	2/29/2008	Cubist Pharmaceuticals Inc. 10-K for 2007	I
100	CUBH0083580	CUBH0083583	3/10/2008	[REDACTED]	I
101	N/A	N/A	1/30/2013	Pltf Cubist's Objections & Responses to Hospira's 2nd Set of Roggs (Nos. 11-15)	I, H, NE
102	CUBT0003565	CUBT0003569	1/30/2009	Barry Eisenstein Interview	I, P, H, A-D – DOCUMENT APPEARS TO BE A DRAFT
103	CUBT0003496	CUBT0003497	4/16/1991	[REDACTED]	I, H, A-A
104	CUB00025802	CUB00026039		Excerpt from Cidecin NDA	

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DTX	BegBates	EndBates	Date	Dep Ex Description	OBJECTIONS
105	CUB01159986	CUB01160074	12/1/2001	[REDACTED]	I, A-D – DOCUMENT APPEARS TO BE A DRAFT
106	CUBT0003611	CUBT0003613	6/19/1997	[REDACTED]	I, H
107	CUB00540933	CUB00540940		[REDACTED]	H, A-D
108	CUBT0003495	CUBT0003495	12/21/1990	[REDACTED]	
109	CUB02335902	CUB02335923	2/15/2006	[REDACTED]	I, H
110	CUBT0002610	CUBT0002611	9/12/2007	Trotta, "Cubist Reveals Drug Patent Error," The Street	I, H
111	CUB00696890	CUB00696909		Redline of "Daptomycin: From the Mountain to the Clinic with Essential Help from Francis Tally"	H, C, I
112	CUB00695027	CUB00695042	5/30/07	Redline of "Daptomycin: From the Mountain to the Clinic with Essential Help from Francis Tally, MD"	H, C, I
113	CUBT0003570	CUBT0003593	08/2009	Eisenstein et al., "Daptomycin: From the Mountain to the Clinic with Essential Help from Francis Tally" (Draft)	H, C, I
114	LLY00000313	LLY00000313	1/24/1986	[REDACTED]	A-A, I, H, L, P
115	LLY00005424	LLY00005424	1/20/1986	[REDACTED]	A-A, A-D, I, H, P, X
116	LLY00000327	LLY00000327	1/30/1986	[REDACTED]	A-A, I, H, P
117	LLY00000326	LLY00000326		[REDACTED]	A-A, I, H, P
118	N/A	N/A	2/15/2013	Declaration of B. Joseph Guglielmo	NE, H
119	CUBH0111467	CUBH0111495	11/4/2002	[REDACTED]	A-D – THIS IS A DRAFT, H, I, C
120	CUBH0052300	CUBH0052303	3/9/1999	[REDACTED]	H, I, A-D – ATTACHMENT IS A DRAFT
121	CUBH0072802	CUBH0072826		[REDACTED]	I, H, A-D – DOCUMENT IS A DRAFT
122	CUB02388575	CUB02388597		Eisenstein et al., "Daptomycin: From the Mountain to the Clinic with Essential Help from Francis Tally" (Draft)	H, I, C
123	CUBH0566855	CUBH0566872	2/20/2003	[REDACTED]	A-A, H, I, L

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DTX	BegBates	EndBates	Date	Dep Ex Description	OBJECTIONS
124	CUB02406708	CUB02406725	2/20/2003	[REDACTED]	A-A, H, I, L
125	CUB00519788	CUB00519804		[REDACTED]	I, H, A-D – DOCUMENT IS A DRAFT
126	CUB00538392	CUB00538394	11/13/1997	[REDACTED]	I, H, R
127	CUB02402546	CUB02402567	3/1/2001	[REDACTED]	I, H
128	CUBH0034765	CUBH0034768	7/20/2000	[REDACTED]	P, H, I
129	CUB00552589	CUB00552590	7/24/2000	[REDACTED]	P, H, I
130	CUBH0080121	CUBH0080124		[REDACTED]	P, H, L, I
131	CUB00631090	CUB00631286	3/29/2001	[REDACTED]	
132	CUB00734456	CUB00734457	11/18/1998	[REDACTED]	
133	CUB00733669	CUB00733671	12/22/1998	[REDACTED]	
134	CUB00731568	CUB00731584	5/12/2000	[REDACTED]	H, R – COLLECTION OF DOCUMENTS
135	CUB00600581	CUB00600823	10/9/2001	[REDACTED]	
136	CUB00147628	CUB00147648	3/14/2003	[REDACTED]	A-D, I, H, X – PAGES ARE MISSING
137	CUB00956573	CUB00956585		[REDACTED]	I, A-D – DOCUMENT IS A DRAFT
138	CUBH0567315	CUBH0567412	9/7/2005	[REDACTED]	I
139	CUB00000094	CUB00000095	12/19/2002	[REDACTED]	X – INCOMPLETE DOCUMENT
140	N/A	N/A	6/10/2013	Pltf Cubist's Responses and Objections to Def. Rule 30(b)(6) Notice	I, H, NE
141	CUBH0073126	CUBH0073134	11/20/2000	[REDACTED]	H, L

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DTX	BegBates	EndBates	Date	Dep Ex Description	OBJECTIONS
142	CUBH0006579	CUBH0006728	11/22/1999	[REDACTED]	
143	CUBH0039941	CUBH0039943	4/1/2009	[REDACTED]	H
144	CUB00578413	CUB00578549		[REDACTED]	
145	CUBH0562132	CUBH0562185	8/4/1999	[REDACTED]	A-D-DOCUMENT IS A DRAFT
146	CUBH0006334	CUBH0006560	05/2001	[REDACTED]	
147	CUB00552853	CUB00552857	8/12/1997	[REDACTED]	H, L
148	CUB00926708	CUB00926708	12/17/1997	[REDACTED]	H, I
149	CUB00535226	CUB00535226	12/17/1997	[REDACTED]	I, C
150	CUBH0053242	CUBH0053245	6/11/1999	[REDACTED]	H, I
151	LYNCH CUB00002 7	LYNCH CUB0000 34		[REDACTED]	I, H
152	LYNCH CUB00000 8	LYNCH CUB0000 13	8/20/1999	[REDACTED]	H, I, A-D – DESCRIPTION DOES NOT INDICATE SOURCE
153	CUBH000301	CUBH000309	4/26/2011	[REDACTED]	C
154	CUB02184152	CUB02184159	1997	Operating Instructions re Poros 50 HQ, DEAE, and Pi Perfusion Chromatography Bulk Media for Anion Exchange Chromatography	H, I
155	CUBT0007302	CUBT0007453	2/26/2010	Cubist Pharmaceuticals Inc. 10-K for 2009	I
156	CUBT0008062	CUBT0008109	4/22/2009	[REDACTED]	I
157	CUBT0008110	CUBT0008153		[REDACTED]	I
158	CUBT0008154	CUBT0008207	4/25/2008	[REDACTED]	I
159	CUBT0008208	CUBT0008307	12/3/2009	[REDACTED]	I
160	CUBT0008308	CUBT0008317		[REDACTED]	I, H, R – ILLEGIBLE
161	CUBT0008318	CUBT0008345	7/30/2009	[REDACTED]	I, H
162	CUBT0008346	CUBT0008397	12/17/2009	[REDACTED]	I
163	CUBT0008398	CUBT0008659		[REDACTED]	I
164	CUBT0007454	CUBT0007505	10/24/2008	[REDACTED]	I
165	CUBT0007506	CUBT0007539	2009	[REDACTED]	I
166	CUBT0007540	CUBT0007637	9/17/2008	[REDACTED]	I